

CCRB INVESTIGATIVE RECOMMENDATION

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|---|-------------------------------------|---------------------------|---|------------------------------------|--|
| Investigator: Sophia Bernhardt | Team: Team # 8 | CCRB Case #: 200204623 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 02/27/2002 6:00 PM | Location of Incident: § 87(2)(b) | Precinct: 07 | 18 Mo. SOL 8/27/2003 | EO SOL 8/27/2003 | |
| Date/Time CV Reported Mon, 07/08/2002 1:35 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 07/11/2002 3:38 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
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| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POM Timothy Skretch | 02991 | 926130 | PSA 4 |
| 2. SGT Stephen Harding | 04656 | 899325 | PSA 4 |
| 3. POM Tahesi Lancaster | 09542 | 913658 | PSA 4 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POF Marie Mulvihill | 30135 | 922846 | PSA 4 |
| 2. POM Craig Defronzo | 12339 | 914747 | H MAN |
| 3. POM Ramon Valdez | 26079 | 920918 | PSA 4 |
| 4. POM Victor Leandry | 12904 | 921887 | PSA 4 |
| 5. POM Steven Kasprzak | 23959 | 914827 | H MAN |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.SGT Stephen Harding | Abuse: Stephen Harding stopped and questioned § 87(2)(b). | § 87(2)(b) |
| B.SGT Stephen Harding | Force: SGT Stephen Harding used physical force against § 87(2)(b). | § 87(2)(b) |
| C.POM Tahesi Lancaster | Force: PO Tahesi Lancaster used physical force against § 87(2)(b). | § 87(2)(b) |
| D.POM Timothy Skretch | Force: Timothy Skretch used physical force against § 87(2)(b). | § 87(2)(b) |

Synopsis

On February 27, 2002, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were gathered in front of § 87(2)(b) on the Lower East Side of Manhattan. Sergeant Stephen Harding and Officer Tahesi Lancaster of the PSA-4 housing command drove up to the group in a marked police car and Sergeant Harding ordered the group to disperse because they were obstructing pedestrian traffic. The group then crossed the street and stood in front of the entrance to § 87(2)(b). Sergeant Harding ordered the group to disperse a second time, but they refused to do so and yelled and cursed at the officers. § 87(2)(b) who was identified by the officers as the “agitator” of the crowd, was arrested § 87(2)(b). § 87(2)(b) resisted arrest, and attempted to kick out the windows of the patrol car in which he was placed. Sergeant Harding and Officer Lancaster called over the radio for assistance, and additional officers responded to the scene, including Officer Timothy Skretch. § 87(2)(b) was then placed in ankle restraints and driven to the 7th Precinct. On his way into the 7th precinct station house, § 87(2)(b) fell while trying to hop up the stairs in ankle restraints, and sustained a small cut to his right ear. On July 8, 2002, complainant § 87(2)(b) filed a complaint alleging that Sergeant Harding acted inappropriately in ordering the group to disperse. He also alleged that Sergeant Harding and Officer Lancaster used inappropriate force in the course of arresting § 87(2)(b) and that Officer Skretch kicked § 87(2)(b) in the face while § 87(2)(b) was handcuffed. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

On July 8, 2002, § 87(2)(b) spoke with Sergeant Meehan of the Internal Affairs Bureau and reported that his friend § 87(2)(b) had been beaten by members of the New York City Police Department in February, 2002. The case was referred to the CCRB, and § 87(2)(b) was interviewed by telephone on August 28, 2002. § 87(2)(b) is an inmate at § 87(2)(b) in upstate New York, and § 87(2)(b) was present with § 87(2)(b) during the interview. § 87(2)(b) stated that he was not certain of the exact date of the incident, but believed that it occurred at 1:30 in the afternoon. § 87(2)(b) was sitting on a bench in front of § 87(2)(b) which is directly across the street from § 87(2)(b). He was with a group of five to eight men that included § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that the group had been outside for approximately an hour when they first encountered the police, and they were not drinking alcohol or using drugs. § 87(2)(b), § 87(2)(b) and § 87(2)(b), § 87(2)(b) who are two of § 87(2)(b)'s first cousins, live at § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) all live elsewhere.

A marked patrol car pulled up next to the group driven by Sergeant Stephen Harding and Officer Tahesi Lancaster. § 87(2)(b) explained that he and his friends have had numerous encounters with Sergeant Harding and Officer Lancaster, as well as with Officer Timothy Skretch. He added that all three officers are assigned to patrol or foot posts in the Lower East Side housing projects. § 87(2)(b) was also able to provide detailed physical descriptions of each officer, as well as their names. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sergeant Harding and Officer Lancaster exited their vehicle and Sergeant Harding told § 87(2)(b) and his companions to “get the fuck out of here.” He added, “I told you guys before that these are my buildings!” § 87(2)(b), § 87(2)(b) stood up and said, “I live in this building.” “I don’t give a fuck,” replied Sergeant Harding. § 87(2)(b) noted that “tensions started to build” between the officers and his friends, and “words were exchanged.” § 87(2)(b) did not deny that he and his friends might have cursed at the officers, but he stated that Sergeant Harding had no right to tell them to move.

Sergeant Harding came to stand directly in front of § 87(2)(b) and § 87(2)(b) began walking north towards § 87(2)(b). As he left, he yelled, "I'm tired of y'all, coming around here fucking with us." One of the officers responded, "keep talking, and we're going to lock your ass up." § 87(2)(b) replied, "Arrest me then." § 87(2)(b) removed his jacket and possibly his shirt as he walked away, continuing to yell. The officers followed § 87(2)(b) as he walked away and caught up with him. § 87(2)(b) saw that he would be arrested, and went up to a parked car and placed his hands on the car. Sergeant Harding handcuffed § 87(2)(b) against the car, and § 87(2)(b) did not resist. Sergeant Harding placed his right hand on § 87(2)(b)'s left arm and started walking § 87(2)(b) across the street to a patrol car. As they walked, Sergeant Harding tightened § 87(2)(b)'s handcuffs. Suddenly § 87(2)(b) heard § 87(2)(b) scream out in pain, stating that the handcuffs were too tight. As § 87(2)(b) and Sergeant Harding reached the sidewalk in front of § 87(2)(b), § 87(2)(b) observed Sergeant Harding grab one of § 87(2)(b)'s arms and twist it upwards. § 87(2)(b) screamed that Sergeant Harding was trying to break his arm.

Sergeant Harding told § 87(2)(b) to be quiet, but § 87(2)(b) continued screaming. Sergeant Harding then grabbed both of § 87(2)(b)'s arms and used his left foot to "sweep" § 87(2)(b)'s feet, causing him to lose his balance and fall with the left side of his face against the ground. § 87(2)(b) stated that he and his companions began to move across the street, towards § 87(2)(b) but more uniformed officers arrived from different directions and they told § 87(2)(b) to move back. When § 87(2)(b) first spoke about the incident, he stated that after § 87(2)(b) fell, multiple officers gathered around him and blocked § 87(2)(b)'s view, although § 87(2)(b) could hear § 87(2)(b) screaming. When asked if anyone kicked § 87(2)(b), § 87(2)(b) revised his statement, saying that he saw Officer Skretch kick § 87(2)(b) in the left side of the head with his right foot. Only after Officer Skretch kicked § 87(2)(b) did other officers gather around and block § 87(2)(b)'s line of sight.

§ 87(2)(b) was brought to his feet and § 87(2)(b) was able to see blood on his face and on the ground. § 87(2)(b) was then placed inside of a marked patrol car. § 87(2)(b) was very upset, and began kicking the windows of the car, apparently trying to break the glass. § 87(2)(b) was soon driven away from the scene, and § 87(2)(b) went to his mother's house nearby.

§ 87(2)(b) stated several times throughout his interview that he had trouble remembering the incident. He stated that a long time had passed since the date of occurrence, and also noted that this incident was similar to another incident with Officer Lancaster, in which § 87(2)(b) argued with Officer Lancaster, removed his shirt, and was arrested.

It should also be noted that § 87(2)(b) filed a separate complaint with the Internal Affairs Bureau § 87(2)(b) that when he was arrested for narcotics possession on § 87(2)(b), Officer Skretch "planted" narcotics on him. § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) This allegation was investigated by Group Twelve of the Internal Affairs Bureau, and was found to be unfounded.

Results of Investigation

Civilian Statements

§ 87(2)(b)

Eight attempts were made to contact § 87(2)(b) by phone, and he was sent three letters asking him to call the CCRB. § 87(2)(b) never responded to any of the letters sent to him or the telephone messages that were left for him with various members of his household. On February 13, 2003, § 87(2)(b) was finally reached by phone. He stated that he did not wish to cooperate with the investigation, and wanted to put the incident behind him. He refused to provide an official statement or consent to an in-person interview, but he did give some details about the incident in the course of his conversation with this investigator.

§ 87(2)(b) stated that on a day in February of 2002, he was standing outside and talking to his brother, his uncle and several of his cousins when an officer asked them to move. § 87(2)(b) and his relations started to move as requested, but the officer concluded that § 87(2)(b) was being disrespectful, and called for backup. Numerous police vehicles responded to the scene, and § 87(2)(b) was handcuffed. After the cuffs were put on, Officer Lancaster and other unidentified officers brought § 87(2)(b) to the ground. Officers placed their knees on § 87(2)(b)'s back and on his legs, and he felt that the officers were trying to break his legs by pressing down on him. Restraints were then placed on § 87(2)(b)'s ankles. At no time did the officers hit § 87(2)(b) with batons or fists, nor did the officers kick § 87(2)(b).

§ 87(2)(b) was placed in a patrol car and brought to a precinct. § 87(2)(b) exited the car and tried to walk up a few stairs to the precinct, but he was forced to hop up the stairs because his legs were still in restraints. Sergeant Harding grabbed § 87(2)(b) and § 87(2)(b) became off-balance and fell down, cutting his ear on the doorknob of the door to the station house. § 87(2)(b) felt that Sgt. Harding's actions made him fall, and commented that Sergeant Harding was a "dickhead." § 87(2)(b) stated that he was uninjured during his initial arrest, and only got cut as he entered the station house.

§ 87(2)(b)

§ 87(2)(b), § 87(2)(b)'s uncle, initially filed a separate CCRB complaint regarding this incident, § 87(2)(b), § 87(2)(g)

In his initial complaint, § 87(2)(b) stated that on February 27, 2002, at approximately 6:00 PM, he was standing across the street from § 87(2)(b) with his nephews § 87(2)(b), § 87(2)(b) and § 87(2)(b). Several different patrol cars pulled up and uniformed police officers ordered the group to disperse. § 87(2)(b) and his nephews complied, and walked across the street. While they stood in front of the hospital at § 87(2)(b) one of the officers yelled, "Didn't I tell you to move?" The officers then "harassed" § 87(2)(b) and his nephews. When § 87(2)(b) questioned the officers, they handcuffed him and threw him to the ground. The officers also arrested four other civilians at the scene for § 87(2)(b). § 87(2)(b) stated that none of the victims were injured during this incident. The investigator assigned to § 87(2)(b)'s original complaint called § 87(2)(b) several times and sent him several letters, but § 87(2)(b) never responded. § 87(2)(b)

By the time § 87(2)(b) filed a second complaint regarding this incident, the phone numbers used to contact § 87(2)(b) regarding his March complaint had been disconnected, and he no longer worked for the messenger service whose number he provided as a work contact. A BADS check, metrosearch, DMV search and Verizon subpoena failed to locate any new phone number for § 87(2)(b). § 87(2)(b) was sent letters five letters asking him to call the CCRB, but he never responded.

§ 87(2)(b) and § 87(2)(b), § 87(2)(b)

§ 87(2)(b) and § 87(2)(b), § 87(2)(b) two of § 87(2)(b)'s cousins, reportedly live together on § 87(2)(b) in Brooklyn. They were listed as witnesses in § 87(2)(b)'s initial CCRB complaint, and the investigator assigned to that case spoke with § 87(2)(b) by telephone on March 14, 2002. § 87(2)(b) stated that only two officers were involved with this incident, and that he had encountered both officers in prior incidents, but did not know the officers by name. § 87(2)(b) also alleged that the officers kicked § 87(2)(b) while he was on the ground. § 87(2)(b) did not respond to subsequent attempts to contact him, and the investigator was never able to reach § 87(2)(b), § 87(2)(b).

On September 25, 2002, § 87(2)(b) and § 87(2)(b), § 87(2)(b) were called in regards to § 87(2)(b)'s complaint, but the phone line had been disconnected and has remained disconnected ever since. DMV searches, BADS searches, metrosearches and a Verizon subpoena failed to find a new phone number for either § 87(2)(b) or § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were each sent five letters asking them to call the CCRB, but neither one ever responded.

§ 87(2)(b)

§ 87(2)(b) initially contacted the CCRB by phone and stated that he was a witness to this incident. He stated that he had seen police officers place § 87(2)(b) in the back of a marked patrol car and then beat him in the back of the car. § 87(2)(b) made an appointment to be interviewed at his home on September 27, 2002. However, on the morning of his scheduled appointment, a woman who identified herself as § 87(2)(b) ' mother called the CCRB and stated that § 87(2)(b) would not be interviewed because he did not witness anything. § 87(2)(b) was called later that day and sent a missed appointment letter, but he did not respond. § 87(2)(b) was sent two more letters and called four more times before he contacted the CCRB again on February 13, 2003. § 87(2)(b) stated that he had legal problems and would like to make a "deal" with the CCRB in which he exchanged his testimony about the incident for help with his own criminal case. It was explained to § 87(2)(b) that the CCRB does not make arrangements of this type, and he agreed to be interviewed at the CCRB anyway. § 87(2)(b) made an interview appointment for February 20, 2003, but failed to appear. He was sent two more letters asking him to call the CCRB, but never responded.

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) was contacted by phone on February 13, 2003. He stated that on the date of the incident, he walked up to the scene in front of § 87(2)(b) to see § 87(2)(b) lying restrained on the ground and a large crowd of officers and civilians standing nearby. Many of the bystanders were commenting that the officers had beaten up § 87(2)(b) a few minutes earlier, but § 87(2)(b) did not witness this. § 87(2)(b) was very upset, and his face was bleeding. A very heavy-set officer was putting physical pressure on § 87(2)(b)'s back, and § 87(2)(b) was crying out in pain. Four officers then lifted up § 87(2)(b) and "threw" him into a patrol car. § 87(2)(b) refused to make an interview appointment with the CCRB, stating that he was "too busy." This investigator offered to meet § 87(2)(b) at home, at work, or at any other convenient location, but he rejected this offer.

§ 87(2)(b)

§ 87(2)(b) § 87(2)(b)'s brother, initially agreed to a CCRB interview, but did not appear at the CCRB for his appointment. He was called and asked to set up a new appointment, but refused to do so. He initially stated that he could not come to the CCRB because of bad weather. He later stated that because of his fears of a terrorist attack, he was unwilling to travel to Manhattan to the CCRB. This investigator then offered to come to his home and interview him there, but he stated that he was too busy. § 87(2)(b) stated that he had no reason to cooperate with the investigation because he wouldn't "get anything out of it" and stated that he knew the CCRB "changes people's statements around."

§ 87(2)(b)

§ 87(2)(b) was sent two letters and called three times before he contacted the CCRB on February 6, 2003, and made an appointment to be interviewed at the CCRB on February 11, 2003. He did not appear at the CCRB for his interview appointment, and was called twice more and sent two more letters, but never responded.

Officer Statements

Sergeant Harding

On November 12, 2002, Sergeant Harding of the PSA-4 Housing command was interviewed at the CCRB. Sergeant Harding stated that on February 27, 2002, he was working as the patrol supervisor, and Officer Lancaster was his driver. At approximately 6:00 PM, Sergeant Harding was driving past § 87(2)(b) and observed a large crowd obstructing pedestrian traffic and blocking the entrance to La Guardia Houses. Sergeant Harding stated that members of the crowd were known to hang out in front of the building, sell drugs, and harass tenants of the building. Sergeant Harding had been working in the command for about seven months at the time of the incident, and was familiar with the group from prior encounters. § 87(2)(b)

§ 87(2)(b). He also knew that many of the men did not live in La Guardia

Houses or other Lower East Side housing projects. He believed that the majority of the men lived in Brooklyn, and came to visit the vicinity of § 87(2)(b) for “business purposes” only. Sergeant Harding had also received complaints from community members and the housing management office about the same group, and had spoken to the group several times in the past about changing their behavior.

Sergeant Harding used his public address system to order the crowd to disperse. Sergeant Harding denied that he used any obscenities when speaking to the group, and believed that he had to order the group to move twice before they complied. The group cursed at Sergeant Harding and walked across the street and stopped in front of § 87(2)(b). The crowd was now blocking the § 87(2)(b) entrance to § 87(2)(b), and Sergeant Harding used the public address system and told the group to disperse a second time. Several members of the group yelled back at Sergeant Harding, commenting, “This is bullshit.” The members of the crowd also stated that they were no longer in front of the housing projects, and so the officers no longer had the right to tell them to move. Sergeant Harding repeated his order from the car and informed the group that they were now acting disorderly. Members of the group continued to curse at Sergeant Harding and a larger crowd began to gather. Sergeant Harding and Officer Lancaster exited their vehicle and Sergeant Harding noted that of the group, § 87(2)(b) was the most disorderly and seemed to be the “agitator.” § 87(2)(b) was yelling and cursing, and Sergeant Harding decided to arrest him for § 87(2)(b).

§ 87(2)(b) was standing approximately ten feet away from the patrol car, and Sergeant Harding walked up to § 87(2)(b) and handcuffed him as he stood on the sidewalk. § 87(2)(b) did not resist arrest, and there was no struggle, although § 87(2)(b) did continue to use profanity. § 87(2)(b) was brought to the patrol car and placed inside. § 87(2)(b) did not resist being placed in the car at that point. The crowd continued to act disorderly, and Sergeant Harding called for backup. More units arrived, and other officers began asking members of the crowd to disperse. Members of the group continued to yell and curse, and refused to leave the scene. Meanwhile, § 87(2)(b) began to “perform” in the backseat of the patrol car. § 87(2)(b) began banging his head against the window, kicking the window, and using profanity. Sergeant Harding opened the rear door of the patrol car to prevent § 87(2)(b) from kicking out the windows and asked § 87(2)(b) to step out of the car. Sergeant Harding told § 87(2)(b) to calm down, but § 87(2)(b) continued to yell and scream, and tried to flee the scene by walking away from the officers. Officer Lancaster and Sergeant Harding grabbed § 87(2)(b) and tried to push him back into the patrol car.

Sergeant Harding recalled that § 87(2)(b) “went limp,” at some point, but was confused about whether this occurred at the entrance to the station house or at § 87(2)(b). Officer Skretch arrived at the scene after everything was over, and might have ridden in the patrol car with § 87(2)(b). Sergeant Harding never saw Officer Skretch kick § 87(2)(b) or saw any other officers do so. Once § 87(2)(b) was placed back in the patrol car, the car left the scene. Sergeant Harding did not remember any injuries to § 87(2)(b) at § 87(2)(b) although he did recall that medical treatment was later requested. Three other men were also arrested and were given summonses at the 7th precinct § 87(2)(b). Sergeant Harding made no memo book entries regarding this incident.

Sergeant Harding stated in his interview that he believed § 87(2)(b) and his companions § 87(2)(b) § 87(2)(b). He added that § 87(2)(b), § 87(2)(b) and others were using the CCRB complaint process to try and obstruct the policing of La Guardia Houses.

Officer Lancaster

October 18, 2002, Officer Tahesi Lancaster of the PSA-4 housing command was interviewed at the CCRB. He stated that on February 27, 2002, he was working a 3:00 PM to 11:35 tour as Sergeant Harding’s operator in a marked patrol car. Sergeant Harding and Officer Lancaster were on a routine patrol when they observed a group of five to six men loitering in front of § 87(2)(b) and obstructing pedestrian traffic into the building. Officer Lancaster recognized § 87(2)(b) as one member of the group because he had arrested § 87(2)(b) § 87(2)(b) earlier for § 87(2)(b) in the same location. Officer Lancaster stated that in prior incident, he had approached § 87(2)(b) and a group of men and told them to disperse. The group obeyed Officer Lancaster with the exception of § 87(2)(b) who began yelling, screaming, and removing his clothes. Officer Lancaster stated that he has asked people to disperse from the

front of § 87(2)(b) numerous times, and the men who often hang out in front of the building are aware that they are not supposed to loiter there.

During the incident on February 27, 2002, Sergeant Harding used the intercom to order the group to disperse. Officer Lancaster denied that Sgt. Harding used any obscenities when addressing the group. The group expressed anger that they had to move, and cursed at the officers, but they walked across the street and stood in front of § 87(2)(b) at § 87(2)(b). Sergeant Harding spoke over the intercom a second time and ordered the group to move again. Officer Lancaster recalled that one of the members of the group, perhaps § 87(2)(b) looked at the officers and told them that they were in front of private property and did not need to move. The group did not move, and Officer Lancaster and Sergeant Harding got out of the patrol car and confronted the crowd. § 87(2)(b) began screaming and cursing at Officer Lancaster, calling him an “asshole” and a “faggot.” Sergeant Harding told Officer Lancaster that § 87(2)(b) was going to be arrested and that everyone else in the crowd was going to get summonses. “I don’t care,” screamed § 87(2)(b). “You’re not going to arrest me!” The officers approached § 87(2)(b) to arrest him, and § 87(2)(b) suddenly “threw” himself to the ground. Officer Lancaster was unable to provide any specific details of how § 87(2)(b) threw himself on the ground, stating that a long time had passed since the date of the incident. However, Officer Lancaster speculated that § 87(2)(b) was trying to show the crowd that the officers had “abused” him.

Officer Lancaster and Sergeant Harding attempted to handcuff § 87(2)(b) as he was lying on the ground, and § 87(2)(b) was very resistant, moving his legs and body and yelling. Officer Lancaster was unable to recall the exact details of the physical encounter on the ground with § 87(2)(b) who actually handcuffed § 87(2)(b) or whether § 87(2)(b) was cuffed while on his stomach. Officer Lancaster stated that he thought either he or Sergeant Harding placed a call for assistance over the radio at that point. Officer Lancaster described the scene as “chaotic” and he was unable to recall when backup officers arrived or how many officers responded. Officer Lancaster did not recall if other officers assisted in subduing § 87(2)(b) and did not know if Officer Skretch was at the scene.

After he was handcuffed, § 87(2)(b) was brought to a patrol car to be transported to the command. He believed that other officers assisted him in bringing § 87(2)(b) to the patrol car, but he was unable to state how many officers assisted him or what command they were from. § 87(2)(b) was still “kicking and wailing about,” and physically resisted the officers’ attempt to place him in the car. The officers had to physically force him into the car after a struggle, but Officer Lancaster could not recall the details of the struggle. Officer Lancaster could not recall whether § 87(2)(b) was ever removed from the car and then placed back inside.

After § 87(2)(b) was inside of the car, he was taken to the 7th Precinct. Officer Lancaster did not have any independent recollection of transporting § 87(2)(b) but he noted that according to his memo book, he was the officer who completed the transport. During his CCRB interview, Officer Lancaster was shown a copy of the 7th precinct command log and shown the entry which states that § 87(2)(b) was removed to § 87(2)(b). Officer Lancaster stated that § 87(2)(b) was “definitely injured” but he did not know how these injuries were sustained. Officer Lancaster believed that § 87(2)(b) had a scratch and that he was bleeding, but stated that he never saw any officer kick § 87(2)(b) in the face. Officer Lancaster believed that Officer Valdez brought § 87(2)(b) to the hospital, but could not be certain.

Officer Lancaster made the following entries in his memo book:

1820: observed five to six male in front of § 87(2)(b) congregating with each other and males were asked to disperse

1821: Males then move to opposite location and refused to move stating that in front of § 87(2)(b) was private property.

1823: § 87(2)(b) M/B § 87(2)(b) of Brooklyn, NY did also refuse to comply with lawful order to disperse from said location and also perp did use offensive and obscene language and caused a large crowd to gather. Defendant did refuse to be placed in RMP by falling onto ground. Under and transport to 7th Precinct. Others were transported to 7th Precinct with summons.

18:30: 7th Precinct and EMS requested, negative result on run to check RMP

§ 87(2) : Hospital prisoner with PO Valdez.

Officer Skretch

October 24, 2002, Officer Timothy Skretch of the PSA-4 housing command was interviewed at the CCRB. He stated that on February 27, 2002, he was assigned to a single uniformed foot post in the confines of the LaGuardia Houses for a 3:00 PM to 11:35 PM tour. Officer Skretch stated that he was at Pike Street and Cherry Street when he received the radio transmission from Sergeant Harding requesting assistance at § 87(2)(b). Officer Skretch noted that his foot post was approximately ¼ mile away from § 87(2)(b) so he ran to the location. By the time Officer Skretch got to the scene, the incident was “pretty much over.” There was a large crowd assembled on § 87(2)(b), and members of the crowd were yelling, but Officer Skretch could not recall what they were saying. Officer Skretch noted that there were several units already at the scene, but could only identify Sergeant Harding and Officer Lancaster.

Officer Skretch observed unidentified officers lifting § 87(2)(b) into the sergeant’s patrol car. § 87(2)(b) had orange, elastic restraints around his ankles. § 87(2)(b) was yelling, but Officer Skretch could not recall what he was saying. Sergeant Harding approached Officer Skretch and ordered him to sit in the passenger’s seat next to § 87(2)(b) so that § 87(2)(b) would not try to kick out the windows of the patrol car. Sergeant Harding explained to Officer Skretch that § 87(2)(b) had attempted to kick the windows out earlier, and had therefore been placed in ankle restraints. Officer Skretch got into the rear passenger’s side of the car and sat next to § 87(2)(b) who did not have any visible injuries. § 87(2)(b) was agitated as they drove back to the 7th precinct, but Officer Skretch could not recall anything § 87(2)(b) might have said. Officer Skretch reviewed the CCRB’s copy of the command log that indicates that § 87(2)(b) was removed to § 87(2)(b) and that he had an “abrasion.” Officer Skretch insisted that he never saw any visible injuries on § 87(2)(b) and denied that he ever kicked § 87(2)(b).

Officer Skretch stated that he knows § 87(2)(b) because he has been assigned to the LaGuardia foot post for over a year. Officer Skretch stated that § 87(2)(b) associates with drug dealers in the neighborhood. Officer Skretch stated that he had not arrested § 87(2)(b) in the past and he did not know if § 87(2)(b) actually dealt drugs himself. § 87(2)(b) and other members of his crowd block the entrance of the housing projects and harass the tenants. § 87(2)(b)

Officer Skretch noted the following in his memo book:

18:30 Responded to 1085 put over the radio by the housing sergeant in front of § 87(2)(b)
18:40: four under in 9760, escort to 7th Precinct.

Officer Valdez

On January 28, 2003, Officer Ramon Valdez of the PSA-4 housing command was interviewed at the CCRB. He stated that on February 27, 2002, he was working a 15:00 to 23:35 tour patrolling Vladik Houses in a scooter. He was in uniform, and working without a partner when he responded to an “85” call over the radio regarding an officer needing assistance on § 87(2)(b). When he reached the scene, he saw Sergeant Harding and Officer Lancaster struggling with a male who was handcuffed. The handcuffed man was resisting arrest, and the officers were trying unsuccessfully to place him in a marked patrol car. The man being arrested was screaming, but Officer Valdez could not recall exactly what he was saying. A crowd of six to eight civilians had gathered across the street from § 87(2)(b) and other police officers were also arriving in response to the call for assistance.

Officer Valdez did not go over to assist Officer Lancaster and Sergeant Harding with the man who was handcuffed, because his attention was called to another male at the scene, later identified as § 87(2)(b). The crowd had crossed the street to stand near the hospital, and § 87(2)(b) was acting “loud and boisterous.” § 87(2)(b) refused to back a way from the scene upon request, and Officer Valdez felt that he was disrupting

the police efforts to control the situation. § 87(2)(b) yelled that the officers should “leave [the man being handcuffed] alone,” commenting that the officers were, “always fucking with him.” Officer Valdez noted that although most of the people who formed the crowd appeared to know the man who was handcuffed, § 87(2)(b) seemed to be particularly upset, and Officer Valdez thought that he might be a relative of the man being arrested.

Officer Valdez glanced back at the other officers, and saw that the man who was handcuffed was inside a patrol car but was kicking his legs out. Sergeant Harding and Officer Lancaster brought the handcuffed man back out of the RMP and placed Velcro restraints around his legs. The handcuffed man was then placed back in the patrol car. Officer Valdez turned back to § 87(2)(b) who was still loud and upset, and decided to arrest him § 87(2)(b). He effected the arrest, and § 87(2)(b) was placed in an unmarked van to be transported to the precinct. Officer Valdez drove his scooter to the precinct to complete § 87(2)(b) arrest processing.

When Officer Valdez arrived at the station house, he saw the man who had been arrested by Sergeant Harding and Officer Lancaster walking into the precinct. The man was still wearing leg restraints, and he fell while walking up the steps to the station house. Officer Valdez stated that the man fell of his own accord, and no one kicked him, pushed him or intentionally caused him to fall down. Officer Valdez did not know if the man was injured at that point. He stated that he did see a cut on the side of the man’s face near his ear, but did not know how this injury was sustained. Sergeant Harding and Officer Lancaster helped the man stand up again, and escorted him into the precinct. The man was still yelling and resistant, and the Captain of the precinct eventually spoke to him and told him to calm down. The man stated that he was going to “kill some one” and stated “you motherfuckers are always fucking with me.”

Officer Valdez stated that according to his memo book, he was assigned to take a prisoner to the hospital that evening, but he could not recall whether the prisoner he brought to the hospital was the same man who was arrested by Officer Lancaster and Sergeant Harding. He stated that he could not recall the hospital transport, and only knew about it from his memo book entry. The memo book entry did not state the name of the prisoner or any other identifying information.

Officer Valdez stated that he never saw Officer Skretch kick anyone in the face. He stated that he did not see any other officers kick or hit the man who was first arrested, nor did he hear any officers use profanity.

Officer Valdez noted the following in his memo book:

18:40 Observed Male Black outside of § 87(2)(b) acting in a loud boisterous fashion after being instructed to disperse. Defendant § 87(2)(b) issued summons #§ 87(2)(b)
18:50 Transport to 7th Precinct for Inevst.
§ 87(2)(b) Assign Hospitalized Prisoner
22:00 98 to 7th Precinct

Officer Mulvihill

Officer Marie Mulvihill of the PSA-4 Housing Command was interviewed at the CCRB on October 22, 2002. On February 27, 2002, Officer Mulvihill was assigned to a uniformed, quality-of -life detail with Officer Leandry. Officer Mulvihill was assigned to marked patrol car, and she believed that she was the operator. Officer Leandry and Officer Mulvihill received a call for assistance from either Sergeant Harding or Officer Lancaster and arrived at the scene to find a large crowd gathered in the street. Officer Mulvihill stated that there were people in the crowd “yelling and fighting.” Officer Mulvihill was unable to recall whether Officer Skretch arrived before or after she and Officer Leandry responded to the scene.

Officer Mulvihill recalled that there was an unidentified black male who seemed to be the “agitator” in the crowd. This unidentified male was “much more vocal” than the other members of the crowd. Officer Mulvihill did not recall anything specific that the male said, but she noted that he was “swearing and cursing.” Sergeant Harding was trying to gain control of the situation and trying to “signal” out members

of the crowd who were more vocal. Officer Mulvihill could not recall whether Sergeant Harding confronted the “agitator.”

Officer Mulvihill and Officer Leandry handcuffed and arrested an unidentified male who was yelling and screaming in the middle of the street. Officer Mulvihill could not recall if she was directed to arrest him by Sergeant Harding or if she took her own initiative. Officer Mulvihill also noted that there were more arrests being made at the location, but she did not know how many or which officers were involved. As soon Officer Mulvihill and Officer Leandry had arrested the male, they placed him in their patrol car and drove to the 7th Precinct. Officer Mulvihill stated that she did not observe any officers kicking or hitting any of the civilians.

Officer Mulvihill noted the following in her memo book:

1820 85 opposite § 87(2)(b)

1840 four under

1845 transported one male perp to 7th Precinct. Issued summons to § 87(2)(b) M/B, § 87(2)(b), D.O.B. § 87(2)(b) in regards to § 87(2)(b) § 87(2)(b). Summons number § 87(2)(b)

18:50 62 A 7th Precinct in regards

Officer Leandry

On February 7, 2003, Officer Victor Leandry of the PSA-4 housing command was interviewed at the CCRB. He stated that on February 27, 2003, he was working a 15:00 to 23:35 tour with Officer Mulvihill. He was working in uniform, and was the operator of a marked car. He responded to a radio call for assistance at approximately 6:20 PM and saw a large crowd and 4 or 5 police cars. Officer Leandry stated that he helped with crowd control, but could not recall any other details of the incident. Officer Leandry was then shown the command log entry in which Officer Mulvihill logged in § 87(2)(b) but Officer Leandry could not recall anything else.

Officer Leandry noted the following in his memo book:

18:20 responding to 85 opposite § 87(2)(b)

18:45 Transporting one perp to 7th precinct

Officer Defronzo

Officer Craig Defronzo of the 822nd command, Housing Borough Manhattan, was interviewed at the CCRB on February 7, 2003. He stated that on February 27, 2002, he was working as part of the Mobile Tactical Unit with Officer Kasprzak. Officer Defronzo stated that he could not recall any details of this incident. He was shown the command log from the date of the incident, as well as the UF-250 paperwork that he himself had filled out for § 87(2)(b) but stated that he still could not remember the incident.

Officer Defronzo noted the following in his memo book:

18:10 85 § 87(2)(b)

18:23 2 under to 7th Precinct

18:40 Summons issued to § 87(2)(b) § 87(2)(b) opposite § 87(2)(b)

Officer Kasprzak

On February 14, 2003, Officer Steven Kasprzak of Housing Borough Manhattan was interviewed at the CCRB. Officer Kasprzak stated that on February 27, 2002, he was working with Officer Defronzo as part of the Mobile Tactical Unit for Housing Bureau Manhattan. At approximately 18:20, Officer Kasprzak and Officer Defronzo responded to an “85” call in front of § 87(2)(b). Officer Kasprzak stated that he could not recall much about the job. Officer Kasprzak was shown the summons issued to § 87(2)(b)

the Sprint Record, and other police documents to try and jog his memory, but he was not able to provide any details of the incident.

Officer Kasprzak noted the following in his memo book:

18:20 85 in front of § 87(2)(b)
18:23 2x under § 87(2)(b) to 7th Precinct
18:50 Summons issued by Officer Defronzo

Documents

Since this complaint was filed more than five months after the date of the incident, § 87(2)(b) [§§ 86(1)(3)&(4)] § 87(2)(b) refused to be interviewed or meet with CCRB investigators in person, and so he never signed a medical release form that would have enabled the CCRB to obtain his medical records. § 87(2)(g) The records that could be accessed are summarized as follows:

UF-61 Complaint Report

The Online Booking System notes that § 87(2)(b) was arrested § 87(2)(b), § 87(2)(a) 160.50
The narrative section of the report states “§ 87(2)(a) 160.50

Stop and Frisk Worksheets

A Stop and Frisk Report was generated for § 87(2)(b) and signed by Officer Lancaster and Sergeant Harding. The report states that § 87(2)(b) was arrested § 87(2)(b) § 87(2)(b) The report notes that force was used while handcuffing § 87(2)(b) The force is characterized as “hands on suspect.” The report also notes that § 87(2)(b) was frisked and searched.

Three nearly identical Stop and Frisk Worksheets were filled out for § 87(2)(b), § 87(2)(b), § 87(2)(b) (whose last name is spelled § 87(2)(b) in the worksheet). Each worksheet was signed by Officer Lancaster and Sergeant Harding, and notes that the reason for the stop was “Inv. Summons.” Each worksheet also states that the person stopped was frisked but not searched, and was issued a summons § 87(2)(b). The reports note that § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b), § 87(2)(b) “refused to comply with Officer’s directions.”

Stop and Frisk worksheets were also filled out by Officer Lancaster and Sergeant Harding for two unidentified Black males outside of § 87(2)(b) No information was given for these men, who apparently refused to provide their names or contact information. These two reports note that the individuals were not frisked, searched or arrested, and left the scene after being stopped. The reason for these stops is listed under the category “other,” but is never specified.

Medical Treatment of Prisoner

A Medical Treatment of Prisoner Form was filled out for § 87(2)(b) although many of the sections were left blank. The narrative states only, “Deft. Did sustain a small cut to his right ear.” The form notes that Officer Valdez escorted § 87(2)(b) when he obtained medical treatment, but does not provide any details regarding where § 87(2)(b) was treated or how he was transported to the hospital. The section of the form

that is supposed to be filled out by hospital staff is completely blank. The section of the form that can be filled out by EMS or Ambulance personnel is also blank.

Command Log

The 7th Precinct Command Log for February 27, 2002 notes that § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were all arrested and logged into the precinct at 10:22 PM. § 87(2)(b) was arrested by Officer Mulvihill, § 87(2)(b) by Officer Defronzo, § 87(2)(b) by Officer Valdez, and § 87(2)(b) by Officer Lancaster. All four men were charged § 87(2)(b), but § 87(2)(b) was also charged § 87(2)(b). The command log notes that § 87(2)(b) was taken to § 87(2)(b) as well.

Sprint Record

The sprint record shows the following:

18:16 Sergeant Harding and Officer Lancaster announced a “10-92” (Arrest-Family Dispute) job
18:17 Officer Leandry and Officer Mulvihill respond to the scene
18:17 Sergeant Harding and Officer Lancaster call an “85” for officers needing assistance
18:17 Officer Skretch responds to the scene
18:18 Sergeant Harding calls a “slow down”
18:23 Sergeant Harding and Officer Lancaster announce that four people have been arrested and no further units are required.
18:24 An unidentified unit arrives at the scene and immediately leaves and resumes patrol
18:25 Officer Skretch finishes the job and returns to patrol
18:29 Officer Skretch is called back to the job and calls for EMS to respond to the 7th Precinct, stating there is a “perp with laceration to ear.”
§ 87(2)(b) Officer Leandry and Officer Mulvihill state they are transporting an “EDP” to § 87(2)(b)
§ 87(2)(b) Officer Leandry and Officer Mulvihill announces a “correction” - they are transporting a prisoner to the hospital
19:47 Officer Skretch resumes patrol

Supplementary Arrest Records

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CCRB Histories

Neither Sergeant Harding, Officer Lancaster nor Officer Skretch have any prior CCRB substantiated cases in which charges were filed.

Conclusions and Recommendations

Assessing Credibility

§ 87(2)(b)

§ 87(2)(g), § 87(2)(b). In the beginning of his interview, § 87(2)(b) stated that after § 87(2)(b) fell to the ground, police officers gathered around him and § 87(2)(b) was not able to see what was happening. Later in the interview, § 87(2)(b) amended his statement and said that he had seen Officer Skretch kick § 87(2)(b) in the face. § 87(2)(b) added that § 87(2)(b) sustained injuries to the left side of his face, but all of the police documents indicate that it was the right side of § 87(2)(b)'s face that was injured. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g). § 87(2)(b) has never expressed fears of retaliation, and has shown no reluctance to criticize his arresting officers. § 87(2)(b) has not displayed any signs that he wanted to complain but was afraid to do so, or that he felt any restraint in criticizing the NYPD. § 87(2)(b), § 87(2)(g)

§ 87(2)(g) § 87(2)(g) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

When § 87(2)(b) was informed that the CCRB does not make criminal court deals, he failed to appear for his CCRB interview.

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) § 87(2)(b)

None of the above witnesses were ever interviewed at the CCRB, and they each made only brief phone statements. § 87(2)(b) did not mention anyone being kicked, stated that there were no injuries at the scene, and alleged that § 87(2)(b) was pushed to the ground. § 87(2)(b) § 87(2)(b) stated that he witnessed force being used to push § 87(2)(b) against the ground, and that § 87(2)(b) was injured during his arrest. § 87(2)(b) alleged that § 87(2)(b) was kicked during his arrest, but that only two officers were involved in the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sergeant Harding and Officer Lancaster

§ 87(2)(g) Officer Lancaster described an extended struggle on the ground in order to handcuff § 87(2)(b) while Sergeant Harding stated that § 87(2)(b) was easily cuffed while standing up. Officer Lancaster stated that § 87(2)(b) “threw himself” to the ground as a form of resistance. In his memo book, Officer Lancaster noted, “deft did refuse to be placed in RMP by falling on ground.” In his CCRB interview, Officer Lancaster stated that the fall was to avoid being handcuffed. Sergeant Harding, however, stated that he did not recall § 87(2)(b) § 87(2)(b) falling on purpose at the time of his arrest. Neither officer ever mentioned that § 87(2)(b) was placed in leg restraints. Officer Lancaster did not recall that § 87(2)(b) was ever removed from the patrol car, ever tried to break the windows, or fell on the steps to the 7th precinct. Sergeant Harding did not recall that § 87(2)(b) was ever on the ground at all. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Officer Skretch

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Officer Mulvihill

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Officer Valdez

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Furthermore, while Officer Valdez stated both that § 87(2)(b) fell and that § 87(2)(b) was injured, he

Officer Leandry, Officer Defronzo and Officer Kasprzak all stated that they could barely recall this incident. § 87(2)(b) waited nearly five months to file this complaint, and so these officers were interviewed almost a year after the date of the incident. § 87(2)(b), § 87(2)(g)

Sergeant Harding stated that he stopped his vehicle in front of § 87(2)(b) and ordered the crowd to disperse because the group was obstructing pedestrian traffic. § 87(2)(b), § 87(2)(b) and the other civilians freely admitted that they were in a large group in front of the building when the officers approached. § 87(2)(g) According to section 240.20 of the Penal Code, “A person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he obstructs vehicular or pedestrian traffic.” (Enc.) § 87(2)(b), § 87(2)(g)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

The civilian statements also confirm that there had been many interactions between § 87(2)(b), § 87(2)(b) and their companions and the police officers in the area. § 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g)

Allegations B and C: Sergeant Harding used physical force against § 87(2)(b) and Officer Lancaster used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sergeant Harding intentionally tripped § 87(2)(b) and forced him to the ground after he was handcuffed. He stated that § 87(2)(b) did not resist arrest when handcuffed, but later tried to kick out the windows of the patrol car. § 87(2)(b) stated that § 87(2)(b) was brought to the ground after he was already handcuffed, but never described in detail how § 87(2)(b) was brought to the ground or why the officers might have done so. Sergeant Harding never mentioned that § 87(2)(b) was on the ground at all, but explained that the officers did use force to place § 87(2)(b) in the patrol car because § 87(2)(b) was resisting arrest. Officer Lancaster stated that § 87(2)(b) was forcibly brought to the ground because he was resisting arrest and was refusing to be handcuffed. Both § 87(2)(b) and § 87(2)(b) § 87(2)(b) complained that the officers used improper force once § 87(2)(b) was already lying down, but never gave official statements that addressed the context or details of this force allegation, or whether § 87(2)(b) might have been resisting arrest at the time.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation D: Officer Skretch used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Officer Skretch kicked § 87(2)(b) in the face § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: